

**CIVIL DOCKET**  
**UNITED STATES DISTRICT COURT**

JUDGE FRANK G. THEIS,  
 Dist. of Kansas  
 Jury demand date:

67-C-234

D. C. Form No. 106A Rev.

TITLE OF CASE		ATTORNEYS				
United States of America,  vs  156.12 Acres of Land, More or Less, Situate in Rogers County, State of Oklahoma, and Kerr Enterprises, et al., and Unknown Owners,		For plaintiff:  Lawrence A. McSoud, USAtty B. Richard Taylor, Trial Atty Max E. Findley, Spec. Asst. to USAtty Department of Justice Washington, D. C. 20530   <del>Harvey H. Cody, N. A. Gibson &amp; R. R.</del> <del>Williamson, Jr., State Capitol Bldg.,</del> <del>Oklahoma City, Okla. 73105</del>  For defendant: John S. Athens (C.W. Flint, Jr.) 711 First Natl Bldg. Tulsa 74103  <del>L. Keith Smith</del> <del>Gene A. Davis,</del> <del>Jay, Oklahoma - for Louise Whittington</del>  <del>Charles P. Gotwals, Jr.</del> <del>4th National Bank Bldg</del> <del>Tulsa, Oklahoma 74119</del>  Kerr, Davis, Irvine & Burdage & Foster 1500 Kermac Building Oklahoma City, Okla 73102 G. Raymond Bassman, (for Sarah Kinser) 212 S. Missouri, Claremore, Okla.,				
STATISTICAL RECORD	COSTS	DATE	NAME OR RECEIPT NO.	REC.	DISB.	
J.S. 5 mailed 1-2-68	Clerk				74016	
J.S. 6 mailed 2-1-70	Marshal					
Basis of Action: Condemnation of Land for construction of Lock and Dam No. 18, Verdigris River in Oklahoma Action arose at: Rogers County	Docket fee Witness fees Depositions					
			Conner, Winters, Randolph & Ballaine			
			First National Bldg			
			Tulsa, Oklahoma			

1967 DATE	PROCEEDINGS	Date Order or Judgment Noted
12-1-67	Complaint, filed. e	
12-1-67	Declaration of Taking, filed. e	
12-1-67	Motion for order for delivery of possession, filed. f	
1-30-68	Order for delivery of possession, filed. e (Theis,J.)	
1-30-68	Notice to respondents, filed. e	
2-8-68	Motion for order of partial disbursement, of defendant, Allen E. Barrow, filed. ds	
2-12-68	Stipulation for removal of improvements as to Tracts Nos. 417-1, 2, 3, & 4. w	
2-21-68	Return on service, filed. Served Wesley Foutz at Tulsa, Oklahoma, on 2-21-68. \$9.36. ds	
2-23-68	Return on service of notice and order filed. Served Effie G. Carnes at Leach, Oklahoma, on 2-7-68. (\$6.00) Served Sarah Frances Kishner at Claremore, Oklahoma, on 2-7-68. (\$6.00) Served Mrs. George L. Whittington for George L. Whittington, now deceased, at Leach, Oklahoma, on 2-15-68. (\$18.00) Served Board of County Commissioners, County Treasurer, and County Assessor of Rogers County, Oklahoma, at Claremore, Oklahoma, on 2-7-68. (\$18.00)	
2-27-68	Return on service of writ, filed. Executed by serving Virgil N. Harrington, Area Director, Fed. Bldg. at Muskogee, Oklahoma on 2-21-68.(USM \$8.00)h	
2-27-68	Return on service of writ filed. Service not completed as to Jim Robbins, San Antonio, Texas. h.	
3-1-68	Return on service of writ, filed; served Allen E. Barrow at Tulsa, Okla. on 3-1-68. (USM \$6.00)g	
3-1-68	Disclaimer by defendant State of Okla. ex rel. Okla. Tax Commission, filed. w	
3-7-68	Return on service of writ, filed. Served Kerr Enterprises and LeFlore Land, Cattle & Investment Co. at Oklahoma City, Okla, on 2-21-68. (\$16.00) ds Served D. A. McGee at Oklahoma City, Oklahoma on 2-21-68. (\$8.00) Served State of Oklahoma ex rel Oklahoma Tax Com. at Oklahoma City, Okla, on 2-22-68. (\$8.00) Served Commissioners of Land Office at Oklahoma City, Oklahoma, on 2-22-68. (\$8.72) ds	
3-11-68	Return on service of writ filed. Service not completed as to Maxine Robbins. (USM)h	
3-14-68	Order of partial disbursement as to Tr. Nos. 417-1,2,3&4 filed. (Frank. G. Theis-Judge)h	
3-15-68	Notice of appearance filed. h	
3-18-68	Return on service of notice and order filed. Served C. W. Flint, Jr. at Tulsa, Oklahoma, on 3-7-68. ds (\$7.44) ds	
3-27-68	Stipulation for just compensation as to Tract No. 417-4 filed by Comm. of Land Office of Okla. h	
3-28-68	Return on service of writ filed. Executed by serving Frank Conkwright at Tulsa, Oklahoma on 3-26-68.(USM\$8.64)	
4-1-68	Amendment to Complaint, filed. w	
4-1-68	Notice of Amendment, filed. w	
4-1-68	Certificate for service by publication, filed. w	
4-4-68	Order of distribution as to Tracts 412 and 412-2, filed. ds	
4-4-68	Journal Entry of Judgment as to Tract 417-4, filed & entered (Frank G. Theis, Judge.)ds	
4-5-68	Return on service of writ, filed: served Marvin Robbins, Elmer Robbins at Dos Palos, Calif., on 3-5-68; Lilla A. Graham at West Point, Calif., on 3-28-68, and George Knapp for Knapp Outdore Adv. Co., at Tulsa, Okla. on 4-5-68. g	
4-29-68	Notice of appearance of Louise Whittington, claiming interest in Tracts 412 and 412-2, by her attorneys, L. Keith Smith and Gene A. Davis, filed. ds	
5-2-68	Certificate of publication and non-mailing, filed. g	

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DATE	PROCEEDINGS	Date Order or Judgment Noted
7-10-68	Answer and notice of appearance of defendant Knapp Outdoor Advertising Corporation, filed. ds	
1-7-69	Entry of appearance for Kerr Enterprises and D. A. McGee, LeFlore Land, Cattle and Investment Co., filed. ds	
1-31-69	Order of partial distribution to C. W. Flint, Jr. and Joan Flint in amount of \$2,606.32, filed (Theis-Judge)js	
5-12-69	Case set for pre-trial as to all tracts on May 29, 1969, at 10 A.M., before Judge Frank G. Theis. g (Notices mailed.)	
5-29-69	Partial Pre-trial hearing held. Case settled as to Knapp Advertising and proper order to be prepared by attorney Charles P. Gotwals, Jr. Court orders that all tracts be consolidated for trial purposes, and that all discovery to be completed within 90 days, and pre-trial to be set after Sept. 1, 1969. (Special Notice to L. Keith Smith)(Frank G. Theis, Judge)h	
6-27-69	Pretrial brief for the United States, filed. m	
7-28-69	Letter from L. Keith Smith to Max E. Findley, withdrawing as counsel, filed. ds - Tracts 412 & 412-2	
8-8-69	Case set for pre-trial as to all tracts on Tuesday, September 9, 1969, at 10 A. M. before Judge Frank G. Theis. g (Notices mailed)	
9-4-69	Reply brief of owner defendants, filed. ds (Kerr Enterprises)	
9-9-69	Further pre-trial hearing held. Motion for S/J of all defts with 3 affidavits and brief filed in open court. Motion for production of documents and things for inspection, copying or photographing of defts, with brief, filed in open court. Motion for S/J taken under advisement and motion for production, etc., is sustained in part and taken under advisement in part. Ordered that pltf. furnish defts. with proper description of area being taken. Defts. permitted to make further discovery. Case not ready for trial. Defts. to prepare preliminary pre-trial order. (Frank G. Theis, Judge)m	
9-9-69	Defendants' motion for summary judgment, filed in open court. m	
9-9-69	Brief in support of motion for summary judgment, filed in open court. m	
9-9-69	Defendants' motion for production of documents and things for inspection, copying or photographing, filed in open court. m	
9-9-69	Brief in support of defts' motion for production of documents, etc., filed in open court. m	
9-9-69	Stipulation for just compensation and exclusion of improvements, filed. ds (Knapp Outdoor Advertising Corp.)	
9-9-69	Final judgment (pursuant to stipulation of parties, filed, & entered. Amount due defendant in the sum of \$1,522.00, for which defendant is granted a deficiency judgment. (Frank G. Theis - Judge) ds	
9-29-69	Defendants' interrogatories to Max E. Findley, Attorney for plaintiff, filed. m	
10-15-69	Answers to Interrogatories Served on Max E. Findley, filed. js	
12-17-69	Case set for hearing on mineral interests on Jan. 7, 1970, at 10 A.M. (Frank G. Theis, Judge) Notices mailed. g	
1-7-70	Stipulation for just compensation filed. e	
1-7-70	Judgment pursuant to stipulation filed and entered. (Theis, J) e	
1-7-70	Stipulation as to division of award, filed. e	
1-7-70	Hearing held on mineral interests in Tr. 412 and 412-2. Defendants not present and not represented. Government represented. On motion of government the Court finds damages in the amt. of \$950.00, mineral interest. Attorney for the government, to prepare proper order of Judgment and Just Compensation and FF/CL. Judgment entered as of this date. (Frank G. Theis-Judge) (Don Gibson-CRS)h Government Exhibit #1, filed in exhibit room.	

over

DATE	PROCEEDINGS	Date Order or Judgment Noted
2-25-70	Journal entry of judgment as to certain non-appearing mineral owners, filed, and entered, as to Tracts 412 and 412-2. (JUDGE Frank G. Theis) ds	